

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALIK M. HASAN and SEEME G. HASAN,

Plaintiffs,

- against -

AMERICAN ARBITRATION ASSOCIATION, INC.,

Defendant.

08 Civ. 3189 (GBD)

DECLARATION OF STEPHEN T. KAISER
IN SUPPORT OF MOTION FOR LEAVE TO FILE AMICUS BRIEF

Pursuant to 28 U.S.C. § 1746, Stephen T. Kaiser declares as follows:

1. I am a member of the Bar of the State of New York and an associate with the law firm of Cleary Gottlieb Steen & Hamilton LLP, counsel for Amici, Goldman Sachs 1998 Exchange Place Fund, L.P.; Goldman Sachs 1999 Exchange Place Fund, L.P.; Goldman Sachs Management Partners, L.P.; Goldman Sachs Management, Inc.; and The Goldman Sachs Group, Inc. Cleary Gottlieb Steen & Hamilton LLP is counsel to these same parties in an arbitration pending before the American Arbitration Association, Hasan, et al. v. Goldman Sachs 1998 Exchange Place Fund L.P., et al., AAA Case No. 13 168 01990 04 (the “New York Arbitration”).

2. I submit this declaration on behalf of Amici in support of Amici's Motion for Leave to File an Amicus Brief, and to bring to the Court's attention a document omitted from plaintiffs' submissions and referred to in the Amici's memorandum of law. I have personal knowledge of the factual matters stated herein.

3. I attach as Exhibit A a true and correct printed copy of an email (including its attachments) from Hannah Cook, case manager of the New York Arbitration, to counsel for the parties to that arbitration, including myself, forwarding arbitrator William Barrett's disclosures dated January 3, 2008 and January 8, 2008, and arbitrator Ronald Sharp's disclosure dated January 4, 2008. Plaintiffs' submission did not include Ms. Cook's covering email or Mr. Barrett's disclosure of January 8, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 22, 2008, in New York, New York.

Dated: May 22, 2008



Stephen T. Kaiser



"Hannah R. Cook"
<Cookh@adr.org>
10 January 2008 03:27 PM

To mgitter@cgsh.com,
bfeatherstone@featherstonelaw.com, "Glenn W.
Merrick" <gwm@gwmerrick.com>, "Marc L.
cc "William BARRETT" <BARRETT@butzel.com>, "Ronald C.
Sharp" <rsharp@pullcom.com>, QUESTTB@aol.com
bcc

Subject AAA CASE 13 168 01990 04--Hasan and
Goldman

History:

This message has been forwarded.

Dear Counsel:

William Barrett has made disclosures, as detailed in the enclosed e-mails dated January 3rd and 8th, 2008 and Ronald Sharp has also made a disclosure in the enclosed letter dated January 4, 2008.

Please advise the Association of any objections to the appointment of William Barrett and/or Ronald Sharp by January 22, 2008, copying the other side. The arbitrators shall not be copied on any comments related to the disclosure.

As requested by the neutral, if either party or their counsel knows of any contact or conflict that may be relevant, they are to communicate this information to the Association within ten days.

Please do not hesitate to contact me with any questions and/or concerns.

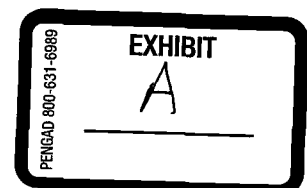
Sincerely,

Hannah R. Cook
Case Manager
American Arbitration Association-Northeast Case Management Center
950 Warren Avenue
East Providence, RI 02914
Toll Free: 866-293-4053
Direct Dial: (401) 431-4708
Facsimile: (401) 435-6529
www.adr.org

Supervisor Information: Heather Santo, 401-431-4702 santoh@adr.org
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Barrett's 1-3-08 and 1-8-08 disclosure.pdf Sharp's 1-4-08 disclosure.PDF



Hannah R. Cook

From: William BARRETT [BARRETT@butzel.com]
Sent: Tuesday, January 08, 2008 4:04 PM
To: Hannah R. Cook
Subject: Re: AAA CASE 13 168 01990 04-Hasan and Goldman

Dear Hannah:

Please advise the parties that with respect to my disclosure of January 3, 2008 it was not my intention to say anything different regarding Goldman Sachs Europe than was previously disclosed in my disclosure dated April 27, 2007.

I make the following additional disclosure:

I have served on arbitration panels and am currently serving with Joanne Barak. One case was finished approximately 15 years ago. One current case is currently in abeyance. The other has substantially concluded and has no preceding currently scheduled. My service on these cases will not affect my ability to be impartial on this case

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Hannah R. Cook

From: William BARRETT [BARRETT@butzel.com]
Sent: Thursday, January 03, 2008 3:24 PM
To: Hannah R. Cook; Ronald C. Sharp
Cc: mgitter@cgsh.com; bfeatherstone@featherstonelaw.com; Glenn W. Merrick; Marc L. Schatten
Subject: Re: AAA CASE 13 168 01990 04—Hasan and Goldman

Dear All:

Re: 13 168 01990 04
Malik M. Hasan, M.D. and Seeme G. Hasan
(Claimants)
and
Goldman Sachs 1998 Exchange Place Fund, L.P.,
Goldman Sachs 1999 Exchange Place Fund, L.P.,
Goldman Sachs Management Partners, L.P., The
Goldman Sachs Group, Inc. and Goldman, Sachs & Co.
Goldman Sachs Management, Inc. John Does 1-100
and Lender Parties 1-100 (Respondents)

The American Arbitration Association has requested that the arbitrators review and make disclosures with regard to the following entities and the firms, arbitrators and/or other participants in this case:

I am responding to the above request with respect to myself and my law firm (Butzel Long "BL" and its predecessor (Hollyer Brady Barrett and Hines LLP "HB")). I have no information about the following entities' relationships with the firms, arbitrators or other arbitrators in this case, other than that reflected in previous disclosures. The following represents information obtained by a computer search ordered today in response to the request.

Pacific Capital Cash Assets Trust

This entity is a mutual fund, client of BL and formerly a client of HB.
We represent the entity and its independent trustees; my partner, Edward Hines is the corporate secretary.

The Alger Institutional Funds

This entity is a mutual fund, client of BL and formerly a client of HB.

Enbridge Energy Partners is a co-defendant with a client of BL named Wolverine Energy Partners.

Peoples Bank Credit Card Master Trust - no information about this entity.

The Trust for Cultural Resources is a client of BL and formerly of HB.

The Museum of Modern Art has been a client of HB; has had funding through Trust for Cultural Resources.

Goldman Sachs Europe Limited is a client of BL (real estate).

None of the foregoing matters would affect my impartiality in the above case.

Yours truly,

WLD Barrett

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PULLMAN & COMLEY, LLC
ATTORNEYS AT LAW

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rsharp@pullcom.com
www.pullcom.com

January 4, 2008

Via E-Mail: cookh@adr.org and U.S. Mail

Hannah Cook, Case Manager
American Arbitration Association
950 Warren Avenue
East Providence, RI 02914

Re: 131 68 01990 04

Dear Hannah:

Pursuant to your January 3, 2008 letter requesting my review and disclosures with regard to the entities set forth therein, please be advised that I have no information on any of the entities listed except as follows:

1. People's Bank Credit Card Master Trust. Many years ago, my law firm (Pullman & Comley, LLC) was asked by the Trustee (I believe Banker's Trust) to issue third party type opinion letters to People's Bank with respect to UCC-1 filings in Connecticut and to Connecticut Banking law compliance. We have had no other contact concerning the Master Trust. I was not involved in any way as to providing the opinion letters.

2. The Museum of Modern Art. My wife has been a member for many years.

None of the foregoing would in any way affect my impartiality in the above-referenced case.

Very truly yours,


Ronald C. Sharp

/psk

Bridgeport/1.1/RCS/666333v1